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#### ORDERS FOR FRIDAY, NOVEMBER 16, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Friday, November 16; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of debate of 1 hour prior to the first cloture vote to be equally divided and controlled between the two leaders or their designees and as previously ordered; provided that Senator HARKIN be recognized for up to 10 minutes of the majority's time; that Members have until 9 a.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business today, I now ask that the Senate stand adjourned under the previous order following the remarks of the Senator from South Dakota, Mr. THUNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

#### THE FARM BILL

Mr. THUNE. Mr. President, I want to take the opportunity to kind of make a little assessment of where we are with regard to the farm bill. I have listened throughout the course of the day as Members have come over and accusations have flown back and forth about why we are not making any progress on the farm bill.

Frankly, it is unfortunate because we have a lot of farmers, the people who are actually out there working the land, raising the food that feeds our country and a good part of the world, who are depending upon the Senate to act.

We have heard from farm organizations, as I am sure most Senators have, about the importance of getting this farm bill passed so they know what the policies are going to be, what the rules are going to be, what the programs are going to be as they begin to make decisions about the 2008 planting season.

As I have listened to all the debate as it has gone back and forth, I have heard a lot of my colleagues, and my colleague from Colorado who is a valued member of the Ag Committee—we worked closely on the renewable energy provisions in the bill, and I think we produced a very good bill out of the Ag Committee.

But there are 21 of us, 21 Senators on the Ag Committee, 21 members out of 100 Senators who serve on the Senate Ag Committee. We came out with a bill that we think makes a lot of sense. It was a balanced bill. It addressed the important issue of providing support for production agriculture for our farmers. It had a good strong conservation title that extends and expands in some ways the Conservation Reserve Program, the Wetlands Reserve Program, the Grassland Reserve Program, a number of conservation programs that are important to the way we manage our lands in this country and provide good environmental stewardship.

It had, of course, a good strong energy title which I worked on a lot, along with a number of my colleagues on the committee, including the Senator from Colorado and the Senator from Nebraska, Mr. NELSON.

We put together what I think is a good, strong energy title that provides incentives for cellulosic ethanol production. It also had a disaster title, something that we have not had for some time in the farm bill, that provides a backstop against those years when you have weather-related disasters and we have had to come to the Congress and try to get political support for disaster relief.

Oftentimes it has been problematic there. This puts in place a contingency fund, an emergency fund, for those years in which our producers are not able to raise a crop for some reason, in most cases because of the weather.

It has, of course, as my colleague from Colorado mentioned, about 67 percent of the money in the bill going into the nutrition title, which funds many of the programs that help people across the country, whether that is the Food Stamp Program, a WIC program, all of those programs that provide support and food for people who need it.

So it is, as we would say, a balanced bill, a bill that was debated back and forth. There were a lot of amendments offered. We spent a day and a half in the markup. But as I said, what is important to note about that is there are only 21 Members of the Senate on the Senate Ag Committee. That means there are 79 Members of this body who have not had any input in this process up to this point.

Well, when the bill was brought to the floor last week on Monday, which is now 9, going on 10 days ago, the assumption was at that point those Members of the Senate who have not served as members of the Ag Committee may have a chance to get their priorities addressed in this farm bill, to offer amendments they think can improve it.

In many cases a farm bill reflects regional priorities. Different people around the country look at these issues very differently. It obviously has a national priority as well. But I think it is fair to say that a lot of Members of the Senate would want to come down here and offer amendments.

In fact, a number of amendments were filed, some 200-plus, almost 300 amendments. Now I, for one, would like to see an agreement reached between our leaders that would end this bickering and this standoff and get us to where we can process some of these amendments and get them voted on so that we can move toward final consideration of this bill, which I noted earlier is so important to farmers across this country.

But what happened very early on in that process was the leader, the majority leader, did what they in Washington in the Senate called "filling the tree." By that, for those who are not familiar with Washington speak, it essentially means it prevents others from offering amendments. All of the amendments that can be offered have been offered. The leader filled the tree and for the past 9 days now has precluded the opportunity for other Members of the Senate, those other 79 Members of the Senate who do not serve on the Ag Committee, to be able to come down and offer amendments they think would ultimately improve the bill.

What is significant about that is it is not unprecedented. It has been done. They said it was done when the Republicans controlled the Senate. I am sure it was—I do not believe very successfully because I do not think it is a tactic or a procedure that lends itself to the nature of this institution or how it works. The Senate is unique in all the world. It is the world's greatest deliberative body. We really value the opportunity to come and amend the bill that is brought to the floor of the Senate, which is generally open to amendment.

So when the tree gets filled and amendments are blocked from consideration, it essentially shuts down the process that the Senate normally uses to consider and amend bills and ultimately vote on bills.

So where are we today? We are almost 2 weeks into this now, and we have yet to vote on a single amendment. We have not had one vote on an amendment to the farm bill after now having it on the floor for almost 2 weeks.

I have to say, for those who would like to offer amendments and have those amendments voted on, it has been very frustrating. My own view is that we are not going to be able to debate 200 or 300 amendments, but we ought to be able to narrow that down, and our leaders could go about that process. But you cannot even do that when the tree is filled. You cannot even consider and vote on any amendments.

So here we are. A farm bill is something that we do every 5 or 6 years in the Congress. I was associated with the last one in 2002 as a Member of the House of Representatives, a member of the Ag Committee. In that particular bill, which was 5 years ago, we set policies that carried us to the end of the fiscal year 2007, which ended on September 30 of this year. And we now

need a new policy to carry us forward to the year 2012.

So the point is, this is something we do every 5 years. This is a significant and consequential event when it comes to the Congress and the policies that it puts in place with regard to agriculture in this country that our farmers use as the framework or the guideline to make their decisions.

So when you do something every 5 or 6 years, the assumption normally is that you are going to want to do it right. I think we did do it right. I think we produced a bill out of the Ag Committee that, as I said, is very solid, very balanced. But I have a lot of colleagues who would like to have their voices heard in this process, offer amendments that they think would improve the bill.

So where are we today after 2 weeks, after having debated this bill on the Senate floor, or at least talked about it? We have not taken any action. I think it is a real disservice to the farmers of this country and to our rural economy, those rural communities that depend upon agriculture for their livelihood, that we have failed to act because the leadership, the Democratic leader, decided when he called up the bill to fill the amendment tree so that amendments could not be considered.

Two weeks on the bill, we have yet to vote on a single amendment on a piece of legislation that is 1,600 pages long and spends 280 billion tax dollars over the course of the next 5 years. Not one amendment has been voted on.

Now, just to put it in perspective and provide a little bit of a framework for previous farm bills, as I said, I was associated with the farm bill in 2002 as a Member of the House of Representatives. During debate of the 2002 farm bill, there were 246 amendments that were filed. Democrats and Republicans came together and voted on 49 of those amendments, including 25 rollcall votes in the Senate.

Before that, if you go back to the 1996 farm bill, there were 339 amendments offered to that farm bill. In 1996, the Republican leadership—at that time it was under the control of the Republicans—allowed 26 amendment votes, including 11 of those being rollcall votes.

During consideration of the 1990 farm bill, there were 113 votes, including 22 rollcall votes. And, finally, if you go all the way back to 1985—I was actually a staffer here at that time—there were 88 votes, 33 of which were rollcall votes. So 33 rollcall votes in 1985, 22 rollcall votes in 1990, out of a total of 130 votes taken.

As I said, in 1996 there were 26 amendment votes, including 11 rollcalls. And in the 2002 farm bill, there were 49 amendments offered and voted on, I should say, including 25 of those being decided by a rollcall vote.

My point, very simply, is, it is unprecedented what is happening with regard to the farm legislation, to a farm

bill that has these kind of consequences, this kind of cost, and this importance to the Nation's farm economy. I would hope that as this moves forward, and when the Senate—I use that term loosely because it is not moving forward; we are not getting anything done. It is a great frustration to many of us who worked hard to produce a bill, to get it to the floor of the Senate.

But I do not think you can take a piece of legislation of this consequence and try and ram it through without even allowing a vote on a single amendment. We have been here for 2 weeks. We have not voted on one single amendment.

I understand that the majority leader wants to limit the number of amendments. That is why he filled the tree. He essentially wants to decide which amendments are germane and which amendments are relevant. Normally, that is a decision that is made by the Parliamentarian. But what he has said is: I want to choose for my side, for the Democratic side, as well as for the Republican side, which amendments we consider, if any, and essentially approve those, which completely undermines, as I said, the basic premise of the Senate, which is when a bill is brought to the floor, those bills are open to amendment.

That has been the practice here for a good long time. It certainly has been the case on previous farm bills going back, as the numbers I just reported say, going back to 1985.

I say all of that to, as I said, take a little assessment, back off a little bit from all the rhetoric that we heard on the floor today. I would like to see us be able to work on it in a bipartisan way because, traditionally, historically, agriculture in the Senate and in the Congress generally has not been a partisan issue.

There are divisions that occur in agriculture but generally along regional lines. Those of us who represent the upper Midwest have slightly different priorities when it comes to a farm bill than those who represent the South or the West. You have special crop groups. You have your sort of base commodities—your corn, your wheat, soybeans, livestock, the things that we raise and grow in the upper Midwest. You have dairy and sugar.

We have dairy, sugar, lots of competing interests, all which play out in a debate over a farm bill. But what is regrettable about that in this particular case is that we are seeing what appears to be for the first time partisan gridlock over whether Members of the Senate, the 79 Members who are not members of the Ag Committee, will have an opportunity, as they traditionally do, to come forward to offer amendments they think will improve the bill. I express my frustration and the frustration of those farmers I represent. The organizations that have been in contact with my office are urging us to get on with this. I would love to be able to do that.

I have an amendment that has been filed that is very important to the bill. It improves the energy title of the bill. We came out with a bill that was a good product. I was pleased and happy with what we produced from the committee. But when it came to the floor, it became clear to me we could improve upon that by adding an amendment, a renewable fuels standard that would further strengthen the energy title of the bill. It became even more important when we started to look at what is going to happen next year in 2008, if we don't increase the cap on the renewable fuels standard, the 7.5 billion gallon cap in the renewable fuels standard today. We will reach that by the end of this year. So we have 2008, where we will be past the 7.5 billion gallons, and at that point there is very little incentive for oil companies to continue to blend ethanol. We need to get the statutory cap raised so we are at 8.5 billion gallons next year, and those who want to make investments in this industry will feel confident that there is going to be a new renewable fuels standard that increases the level of renewable fuels, something which I believe every Member of this body supports.

I believe when you are looking at \$100 oil and looking at our dependence upon foreign countries for energy supply, it makes enormous sense to do everything we can to come up with homegrown, domestic sources of energy and supplies. I would hope that amendment will be able to be voted on at some point. But at this point we are shut down. We are locked down. That is unfortunate. My hope would be we can move very quickly in the days we have ahead of us this year—I hope by tomorrow—to achieve some understanding or agreement about how we will proceed to come to a final vote. I hope the majority leader will decide in the end to move away from the practice he has adopted on this bill of filling the tree and preventing amendments from being offered so we can get to what the Senate does, and that is consider, deliberate, vote on amendments, take a piece of legislation, allow those 79 Members of the Senate who are not members of the Senate Ag Committee to be heard in the process and to have their opportunities to improve the bill to their liking and according to the priorities their constituents want to see addressed.

I hope as we come back tomorrow we will be able to make more headway on this issue.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 a.m. on Friday, November 16, 2007.

Thereupon, the Senate, at 7:58 p.m., adjourned until Friday, November 16, 2007, at 8:30 a.m.